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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

TAYLOR LEMONS, individually and on
behalf of all similarly situated individuals,

Plaintiff,

v.

**WALGREEN PHARMACY SERVICES
MIDWEST, LLC, WALGREEN
PHARMACY SERVICES EASTERN,
LLC, and WALGREEN PHARMACY
SERVICES WESTERN, LLC,**

Defendants.

Case No. 3:21-cv-00511-MO

**PLAINTIFF'S SUPPLEMENTAL BRIEF
RE: MOTION FOR CLASS
CERTIFICATION**

Oral argument was held on Plaintiff's motion for class certification on April 23, 2024. Plaintiff provided Defendants with a list of additional information needed per the court's order. See ECF 84. Defendant provided two spreadsheets containing information relating to the employees whose employment was terminated between April 6, 2018 and April 6, 2021. The first spreadsheet is for 525 "Terminated Employees" (check employees) and the second spreadsheet is for 26 "Terminated Employees Paid Cash" (cash employees). See Post Decl., Exs. A and B.¹ This is a total 551 potential class members. However, based on the data provided, 34 check employees and 3 cash employees were paid their final wages either before their last day of employment or the day their employment ended. See Post Decl., Exs. A and B. Therefore, the potential class members would likely be 514 employees.

During oral argument, the court requested additional data be provided concerning the delay in payment of 6 days or more; the number of people paid in cash; voluntary v. non-voluntary termination; and the number of people who abandoned their jobs.

Of the 514 employees, 15 of 26 (Ex A., rows 13-27) cash employees and 440 check employees (Ex. B, rows 8-447) were paid at least six days or more after the termination of their employment. This equates to 455 out of 514, or 88.5%, of the potential class members.

Of the 514 employees, 471 check employees (Ex. C., rows 56-526) and 17 cash employees (Ex. D, rows 11-27) are listed as quitting or voluntarily separating their employment.

Regarding cash payments, 26 people were paid in cash according to the supplemental discovery provided by Defendant. However, the date of payment has been provided for these individuals and payment dates will not require an individualized assessment. See Ex. B.

¹ Note a column has been added to each spreadsheet to count the number of days from termination of employment to the date of payment.

Regarding, job abandonment, 59 check employees (Ex C. rows 185-243) and 6 cash employees (Ex. D. rows 16-22) are listed as “Vol Separation - Job Abandonment.” This is a total of 65 employees out of 514, or 12.6%.

The basic information needed for each employee whose employment ended is: 1) each person that had their employment terminated on or after March 8, 2017; 2) Whether the decision to terminate the person’s employment was made by the defendant, was mutual, or was made unilaterally by the employee; 3) If made unilaterally by the employee, the date notice, if any, was given; 4) The last date of employment; 5) The date final wages were paid; and 6) The hourly rate or equivalent hourly rate to calculate the penalty pursuant to ORS 652.150.

Based on the data provided by Walgreens to date, the record is sufficient to establish that Walgreens had a practice of not paying its employees their final wages in compliance with ORS 652.140. The Court should grant Plaintiff’s motion for class certification and allow additional discovery to determine any outstanding issues, such as the amount of notice provided by individuals who unilaterally quit their employment.

DATED: May 31, 2024

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s/ Carl Post

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